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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,825	12/28/2000	John Alson Hicks III	00216	5201
38516 7590 09/27/2012 AT&T Legal Department - SZ Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
SALTARELLI, DOMINIC D				
ART UNIT		PAPER NUMBER		
2421				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/749,825

**Applicant(s)**

HICKS ET AL.

**Examiner**

DOMINIC D. SALTARELLI

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1 and 5-14 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1 and 5-14 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 5-14 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection. Upon further review of Humpleman, the examiner has determined that Humpleman teaches using dedicated ports on the disclosed crossbar switching hub due to the fact that once the direct link is established, it is a dedicated, unshared connection. See col. 11, lines 14-25 of Humpleman, where he discloses sending data not meant for the set top electronics back to the hub because the connection to the NIU cannot be shared with the intended destination device.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eames et al. (6,317,884, provided by applicant) [Eames] in view of Humpleman (6,005,861, of record) and Inoue et al. (4,890,168, of record) [Inoue].

Regarding claim 1, Eames discloses a system for providing digital entertainment data (fig. 6), the system comprising:

a shared system bus interconnecting internal components of a gateway (fig. 6, CNTRL BUS 422), the gateway comprising:

a processor having input connected to the shared system bus and a processor output connected to the shared system bus (fig. 6, microprocessor 434);

memory having a memory input connected to the shared system bus and a memory output connected to the shared system bus (fig. 6, memory 436);

multiple pairs of a tuner and a demodulator connected to the shared system bus to receiver control signals, with each pair of the tuner and the demodulator tuning to receiver a plurality of information signals from a source (TV modules 654, see col. 6 line 65 – col. 7 line 15).

Eames fails to disclose the gateway comprises a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch; and a video overlay processor coupled to the data switch that superimposes a first audio-visual signal over a second audio visual signal to produce a superimposed signal.

In an analogous art, Humpleman discloses a system for providing digital entertainment data comprising a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input

ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch (fig. 7, network interface units and set top electronics are provided dedicated ports to establish direct [unshared] links through the gateway device, see col. 10, lines 47-67), providing a modular, scalable gateway that can provided a large number of disparate services over a home network (col. 3, lines 21-55).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Eames to include a data switch having multiple input ports and multiple output ports and a dedicated link between each one of the multiple input ports and a respective one of the multiple pairs of the tuner and the demodulator, such that each pair of the multiple pairs of the tuner and the demodulator is dedicated to a different input port of the data switch, as taught by Humpleman, for the benefit of a modular, scalable gateway that can provided a large number of disparate services over a home network.

Eames and Humpleman fail to disclose a video overlay processor coupled to the data switch that superimposes a first audio-visual signal over a second audio visual signal to produce a superimposed signal.

In an analogous art, Inoue discloses a system for providing digital entertainment data that includes an overlay processor superimposing multiple information signals onto a first information signal (fig. 2, PIP control 34), providing

the benefit of allowing a user to view several sources of video on a screen simultaneously (see figs. 5a and 5b).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Eames and Humpleman to include an overlay processor superimposing multiple information signals onto a first information signal, as taught by Inoue, providing the benefit of allowing a user to view several sources of video on a screen simultaneously.

Regarding claims 7-9, Eames, Humple, and Inoue disclose the system of claim 1, further comprising: decryption logic having an input connected to the multiple pairs of the tuner and the demodulator (Humpleman, col. 7, lines 55-65), but fail to disclose a card reader having a card reader input and a card reader output, the card reader input connected to an output of the decryption logic, the card reader providing authorization for the decryption logic to decrypt the plurality of information signals to produce decrypted digital information.

Examiner takes official notice that the use of so called "smart cards" to authorized access to encrypted television programming is notoriously well known in the art (such as found in U.S. Patent No. 5,635,989 to Rothmuller, col. 3, lines 41-46), said cards having preprogramming access control information (such as decryption keys) that are inserted into a set top device to enable said device to decrypt particular transmissions using the information on the card. Said cards are used to ensure that only the bearer of the card is able to access encrypted

content, which is more secure than sending decryption information over the network where it could be intercepted by an unauthorized user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Eames, Humpleman, and Inoue to include a card reader having a card reader input and a card reader output, the card reader input connected to an output of the decryption logic, the card reader providing authorization for the decryption logic to decrypt the plurality of information signals to produce decrypted digital information.

Regarding claims 10-14, Eames, Humpleman, and Inoue disclose the system of claim 1, wherein the plurality of transmission signals include a plurality of television program signals (digital or mixed analog/digital broadcast signals), an audio signal (compressed audio), a data signal (Internet data), are received from a cable headend or direct broadcast satellite (cable provider or digital satellite service), and are frequency divided multiplex transmission signals (as is conventional for cable and satellite television broadcast services, Humpleman, col. 3, lines 21-35).

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eames, Humpleman, and Inoue as applied to claim 1 above, and further in view of Russo (6,732,366, of record).

Regarding claims 5 and 6, Eames, Humpleman, and Inoue disclose the system of claim 1, but fail to disclose a mass storage device connected to the shared system bus that stores an item identifier corresponding to a content item stored in the mass storage device, the item identifier having a first data field that indicates the content item has been played, a second data field indicating the content item has been purchased, a third data field indicating the content item has been licensed, a cost of playback for the content item and a second cost of purchase for the content item.

In an analogous art, Russo discloses a system for providing digital entertainment data (fig. 2) comprising a mass storage device (fig. 2, high capacity storage 110) that stores an item identifier corresponding to a content item stored in the mass storage device, the item identifier having a first data field that indicates the content item has been played (for pay-per-play usage, col. 5, lines 12-21), a second data field indicating the content item has been purchased (for open ended usage, col. 5, lines 45-58), a third data field indicating the content item has been licensed (available for viewing, col. 5 line 59 – col. 6 line 9), a cost of playback for the content item (to debit the account for pay-per-play usage, col. 10, lines 33-34) and a second cost of purchase for the content item (to debit the account for open ended usage, col. 10, lines 33-34), enabling both purchase or temporary rental of desired titles from the convenience of a user's home (col. 5, lines 12-58).



***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is (571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOMINIC D SALTARELLI/  
Primary Examiner, Art Unit 2421